

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

IN RE: * **Case No. 22-60019-EJC**
MONICA C. OGLESBY, *
Debtor. * **Chapter 13**

**CREDITOR'S OBJECTIONS TO DEBTOR'S
MOTION FOR LEAVE TO SELL REAL ESTATE**

COMES NOW ROBERT K. BELL, JR. INVESTMENTS, INC. (hereinafter "Creditor"), by and through counsel, and files its Objections to Debtor's Motion for Leave to Sell Real Estate, showing the Court the following:

1.

On January 31, 2022, the Debtor MONICA C. OGLESBY filed a petition pursuant to Chapter 13 of the United States Bankruptcy Code in this Court.

2.

Creditor is the owner and holder of a Promissory Note executed by Debtor and dated June 30, 2020, in the principal amount of \$57,400.00. A copy of the Promissory Note is attached hereto as Exhibit "A" and is incorporated herein by reference.

3.

The obligations of the Debtor to Creditor are secured by a security interest in real estate and improvements located in Bulloch County, Georgia, which has the address of 20780 Highway 80 West, Statesboro, Georgia 30461, and described more particularly as follows:

All that certain tract or parcel of land lying and being in the 1209th G.M. District of Bulloch County, Georgia, consisting of 0.34 of an acre as shown on a plat prepared by Lamar O. Reddick, Registered Land Surveyor, dated December 28, 1979, and recorded in Plat Book 19, Page 84, Bulloch County Records, said plat original prepared for Herman D. and Mary H. Kennedy. More particularly described as beginning at a point on U.S. Highway 80 and Highway 25, 4.0 miles northerly of the city limits of Statesboro, Georgia and beginning at the intersection of said highway and a 50 foot road running thence North 45 degrees 39 minutes 10 seconds West 123.85 feet to an iron pin and property now or formerly of Georgia Ree Bland; running thence North 43 degrees 55 minutes 20 seconds East 130.73 feet to an iron pin; running thence South 45 degrees 54 minutes 25 seconds East 121.64 feet to an iron pin and the northerly right of way of said 50 foot road; running thence South 43 degrees 28 minutes 35 seconds West 111.88 feet to an iron pin and the point in beginning.

Said tract of land is known as 20780 Highway 80 West, Statesboro, Georgia 30461 and further known as Map/Parcel 058B000015 000 in the Tax Assessor's Office of Bulloch County, Georgia.

A copy of the Deed to Secure Debt is attached hereto as Exhibit "B" and is incorporated herein by reference.

4.

The real estate which is the subject of Debtor's instant Motion for Leave to Sell is the very same real estate encumbered by Creditor's security interest.

5.

After filing her Chapter 13 petition, Movant failed to make payments to Creditor for the months of May 2022, June 2022, July 2022 and August 2022.

6.

As a result, Creditor filed a Motion for Relief from Stay which was consented to by Movant and approved by the Court on September 21, 2022.

7.

Debtor subsequently filed the instant motion on October 5, 2022. This objection is timely filed within 14 days of entry of the conditional Order on Motion for Leave to Sell Real Estate.

8.

In her motion, Debtor contends that the payoff of Creditor's security interest is approximately \$64,000.00. Creditor denies this allegation and accordingly objects to the motion. Creditor will show that the proposed sale will not result in a complete satisfaction of Creditor's security interest.

9.

In her motion, Debtor contends that the property should be sold for \$69,000.00. Creditor denies that \$69,000.00 adequately reflects fair market value for the subject property and accordingly objects to the motion. Creditor will show that a sale for the proposed price would operate the prejudice of Creditor, other creditors of the estate, and potentially the Debtor.

WHEREFORE, Creditor objects to Debtor's Motion for Leave to Sell Real Estate and demands a hearing on the motion according to the terms of the Court's conditional Order on Motion for Leave to Sell Real Estate.

This **14th** day of **October 2022**.

/s/ Christopher R. Gohagan

CHRISTOPHER R. GOHAGAN
Georgia Bar No. 313902
Attorney for Creditor

OF COUNSEL:

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Post Office Box 327
Statesboro, Georgia 30459
P: (912) 764-9055 / F: (912) 764-8687

CERTIFICATE OF SERVICE

GEORGIA, BULLOCH COUNTY

This is to certify that I have this day served a copy of the foregoing **CREDITOR'S OBJECTIONS TO DEBTOR'S MOTION FOR LEAVE TO SELL REAL ESTATE** on behalf of Creditor Robert K. Bell, Jr. Investments, Inc. upon:

O. Byron Meredith, III
Chapter 13 Trustee
P.O. Box 10556
Savannah, Georgia 31412
Email: ecfsav1@ch13sav.com

Kimberly S. Ward
Kimberly S. Ward, LLC
P.O. Box 1309
Statesboro, Georgia 30459
E: kswardatty@gmail.com

Monica C. Oglesby
20780 Highway 80, West
Statesboro, Georgia 30458

by electronic service and/or by placing a true and correct copy of same in the United States Mail in an envelope properly addressed and with adequate postage thereon to ensure delivery thereto.

This **14th** day of **October 2022**.

/s/ Christopher R. Gohagan

CHRISTOPHER R. GOHAGAN
Georgia Bar No. 313902
Attorney for Creditor

OF COUNSEL:
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